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July 16, 2025

**VIA ECF**

United States District Court  
Eastern District of New York  
Attn: Hon. Pamela K. Chen, U.S.D.J.  
225 Cadman Plaza East  
Courtroom 11D South  
Brooklyn, NY 11201-1804

***Re: IME WatchDog, Inc. v. Gelardi, et al.***  
**Case No.: 1:22-cv-1032 (PKC) (JRC)**

Dear Judge Chen:

This office, along with Sage Legal LLC, represents the Plaintiff IME WatchDog, Inc. (“Plaintiff”), in the above-referenced case.

In light of the Court’s July 7, 2025 Order wherein it questioned the utility of amending the complaint to add the IME observers as defendants and the Court’s April 3, 2025 Order limiting discovery to Defendants deposing Daniella Levi and obtaining documents related to Plaintiff’s damages, Plaintiff will forego filing a motion to amend (but reserves all rights as against the observers) in order to reach the end of this case, at which time Plaintiff will renew its request for a pre-motion conference regarding its anticipated motion for summary judgment against Safa Gelardi and Vito Gelardi, and for a default judgment against Defendant IME Companions LLC.<sup>1</sup>

Now that the stay has been lifted, Defendants respectfully request that the Court consider and decide the following motions filed by Plaintiff, which are fully briefed, ripe for resolution, and will have an impact on Plaintiff’s aforementioned anticipated motions.

- ECF Docket Entry 288 - Mar 6, 2024 - Letter MOTION for Contempt by IME WatchDog, Inc.;
- ECF Docket Entry - Jun 19, 2024 - Emergency MOTION for Temporary Restraining Order pending the continued contempt hearing and, Emergency MOTION for Preliminary Injunction against Defendants and non-parties Eugene

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<sup>1</sup> Plaintiff anticipates filing a request for a certificate of default within a week.

Liddie and IME Legal Reps<sup>2</sup> based upon contempt of this Court's Orders by IME WatchDog, Inc.;

- ECF Docket Entry 395 - Sep 26, 2024 - MOTION for Sanctions by IME WatchDog, Inc.;
- ECF Docket Entry 432 - Dec 30, 2024 - Notice of MOTION for Entry of Judgment under Rule 54(b) by IME WatchDog, Inc.;
- Apr 2, 2025 Minute Entry – Order directing Defendants to file all relevant documentation from the last two years, of all of their sources of income (even if the money received is then used to make a mortgage payment, for example) and of all of their assets. The statement of Defendants' finances should include a summary of all of their businesses (including, but not limited to, any independent medical exams ('IME') businesses, their daycare business, and their possible Italian sandwich deli business), a summary of all of their personal and business financial accounts (including bank accounts Defendants have signatory rights to, even if the account is in the name of another person or entity), a summary of all property they own and any related rental or rent-to-buy agreements, and full disclosure of all assets of any kind which they own. In addition to this summary, Defendants shall file all financial statements and/or records from the last two years that are related to the businesses, accounts, and/or assets identified.<sup>3</sup>
- ECF Docket Entry 450 - Apr 7, 2025 - Letter submitting proposed Court-Authorized Notice and proposed cover letter to customers in accordance with this Court's March 31, 2025 Memorandum & Order by IME WatchDog, Inc.;
- ECF Docket Entry 455 - Apr 14, 2025 - Letter containing proposed Public Website Notice and parameters of same by IME WatchDog, Inc.<sup>4</sup>;

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<sup>2</sup> Plaintiff withdraws the portion of this motion as it relates to Eugene Liddie and IME Legal Reps.

<sup>3</sup> Defendants substantially failed to comply with this Order.

<sup>4</sup> Relatedly, see Apr 25, 2025 Text Order stating "In light of the settlement conference scheduled for 4/30/2025 before the Honorable James R. Cho, Magistrate Judge, (see 4/25/2025 Minute Entry), the Court sua sponte extends the deadline to May 6, 2025, for Defendants and non-parties Liddie and IMELR to (1) file any objections to the proposed Public Website Notice and to Plaintiff's 450 Letter and Court-Authorized Notice, and (2) comply with the Third Amended Preliminary Injunction's 448-1 requirements to submit (a) a list of all customers served since

- ECF Docket Entry 477 - May 2, 2025 - MOTION for Order to Show Cause, MOTION for Temporary Restraining Order, MOTION for Contempt by IME WatchDog, Inc.;
- ECF Docket Entry 486 - May 20, 2025 - MOTION for Permanent Injunction by IME WatchDog, Inc.
- ECF Docket Entry 500 - May 30, 2025 - "... Notifies Individual Defendants that because they have, in effect, waived their attorney-client privilege regarding whether they told their former counsel about the impending sale of the 9 Woods End property, once the stay in this case is lifted, the Court will direct Mr. Warner to respond to their allegation, (Defs.' Letter, Dkt. 498 , at 1-2), that they told him about the impending sale, but that he failed to notify the Court, despite the Court's 3/8 /2024 Docket Order; and
- ECF Docket Entry 524- Jul 1, 2025 - MEMORANDUM in Support re [448] Order on Motion for Contempt,,,,,,, Order on Motion for Preliminary Injunction.<sup>5</sup>

Lastly, there is a motion pending before Judge Cho to certify to your Honor that Christian Hogarth, Fari Gutierrez, Lizbeth Medina, Mark Purficati, and Sara Gonzalez are in contempt of Court for failing to respond to subpoenas and the Court's Orders requiring them to respond to same. Plaintiff thanks this Court for its time and attention to this matter.

Dated: Lake Success, New York  
July 16, 2025

Respectfully submitted,

**MILMAN LABUDA LAW GROUP PLLC**  
/s/ Jamie S. Felsen, Esq.

Dated: Jamaica, New York  
July 16, 2025

**SAGE LEGAL LLC**  
/s/ Emanuel Kataev, Esq.

cc: Safa Gelardi (via ECF)  
Vito Gelardi (via email vitogelardi@gmail.com)

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March 10, 2023, and (b) all website domain names they own and/or operate in connection with the independent medical examination business..."

<sup>5</sup> See also ECF Docket Enry 525.